IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31624 of 2006(M)

PETITIONER:

THE KERALA AGRICULTURAL DEVELOPMENT
SOCIETY, REPRESENTED BY ITS SECRETARY
SANTY MATHEW, S/O.MATHEW, MADAPPATTU HOUSE,
MUTHALAKODAM KARA, THODUPUZHA VILLAGE.

BY ADV. SRI.P.FAZIL

RESPONDENTS:

1. SHAJAN KURIAKOSE,
S/O.KURIAKOSE, PARACKAL HOUSE,
ANGADI KARA, KOTHAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

2. SUNITHA SHAJAN, W/O.SHAJAN,
PARACKAL HOUSE, ANGADI KARA, KOTHAMANGALAM VILLAGE
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

3. SHIBU KURIAKOSE,
S/O.KURIAKOSE, PARACKAL HOUSE,
ANGADI KARA, KOTHAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

4. BIJU KURIAKOSE,
S/O.KURIAKOSE, PARACKAL HOUSE,
ANGADI KARA, KOTHAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

5. KOCHUTHRESSIA ANTONY,
W/O.ANTONY, POTHANICADU HOUSE,
KOTHAMANGALAM TALUK, KOTHAMANGALAM VILLAGE,
ERNAKULAM DISTRICT.

6. ANTONY, S/O.PAUL ANTONY,
POTHANICADU HOUSE, KOTHAMANGALAM TALUK,
KOTHAMANGALAM VILLAGE, ERNAKULAM DISTRICT.

7. GEORGE ANTONY,
S/O.PAUL ANTONY, POTHANICADU HOUSE,
KOTHAMANGALAM TALUK, KOTHAMANGALAM VILLAGE,
ERNAKULAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.31624 OF 2006

DATED THIS THE 29th DAY OF NOVEMBER, 2006

JUDGMENT

Petitioner is the plaintiff in O.S. 165/03 and O.S.311/03 on the file of Munsiff Court, Muvattupuzha. Respondents 1 to 4 are the defendants in O.S.165/03. Respondents 3 and 4 are also defendants in O.S.311/03. Defendants 3 to 5 in O.S.311/03 are the other respondents in the petition. This petition is filed under Article 227 of Constitution of India challenging the order of Munsiff dismissing I.A.3964/06 the application for joint trial of O.S.165/03 with O.S.311/03.

2. Under Ext.P11 order, learned Munsiff dismissed the application holding that evidence has already commenced in O.S.311/06 and the cause of action for both the suits are different. In O.S.165/03, the decree sought for is in respect of B schedule way therein. In O.S.311/03, the relief sought for is in respect of the Society. Learned Munsiff exercised his discretion and found that as evidence in one suit has commenced, it is not necessary to have a joint trial. Exercising the extraordinary jurisdiction of

this Court under Article 227 of Constitution of India, I do not find any reason to interfere with Ext.P11 order. Petition dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

Acd